

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

United States Courts
Southern District of Texas
FILED

JUN 24 2020

David J. Bradley, Clerk of Court

Sean Hicks :
Plaintiff :
Vs. :
Department of Child Protective Services, Houston :
Defendant :
Case No: 4:20CV2223

COMPLAINT AT LAW AND IN EQUITY

AND NOW, comes the Plaintiff, Sean Hicks, *pro se*, to file the instant complaint and in support thereof avers as follows:

INTRODUCTION

1. Plaintiff initiates this case against the Defendant organization pursuant to 42 U.S.C. 1983 - Civil Action Against A State Actor for Deprivation of Rights in this matter where the Defendant has taken action against the Plaintiff including depriving them of custody of their children with unfounded evidence and erroneous reasoning, thereby violating the constitutional rights of the Plaintiff to which the Plaintiff is demanding immediate and conclusive relief therefrom.

JURISDICTION AND VENUE

2. This is a civil action authorized under 42 U.S. Code § 1983. Civil Action For Deprivation of Rights which states:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities

secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

(R.S. § 1979; Pub. L. 96-170, § 1, Dec. 29, 1979, 93 Stat. 1284; Pub. L. 104-317, title III, § 309(c), Oct. 19, 1996, 110 Stat. 3853.)

3. Venue is proper as the facts pertaining to this matter transpired wholly within the territorial jurisdiction of this district.

PARTIES

4. PLAINTIFF - Sean Hicks is the Plaintiff in the instant matter and resides in this district with an address of 4808 Fairmont Parkway #372, Pasadena Texas 77505

5. DEFENDANT - Department of Child Protective Services, Houston Texas Division, is the governmental organization complained of in the instant matter and conducts business at an address of 5425 polk st houston tx 77023.

STATEMENT OF FACTS

6. A series of events have taken place according to the Defendants that seemed to indicate that abuse could potentially be taking place; the daughter of the Plaintiff who is mentally handicapped and disabled is claimed to have written a note that may have suggested or indicated abuse which prompted the Defendant to investigate the matter. However, after substantial investigation, no evidence was found to support this allegation in any way. Nonetheless, the Defendant continues to deprive the Plaintiff of the custody of their children through this very moment.

7. Plaintiff avers this to be a violation of their constitutional rights in that it is a deprivation of their rights and liberties as a parent which are considered to be fundamental rights under the laws

and Constitution of the U.S. according to numerous cases by the U.S. Supreme Court without the due process of law or due evidence to support the continued deprivation of the Plaintiff from having the custody of their children through these very days.

8. Plaintiff has been deprived from custody of their children for a period of about four years through this very moment, based on erroneous findings, unfounded speculation, and a lack of proper grounded procedure and standards for evaluation, all of which have constituted numerous individual violations of the Petitioner's constitutional rights as a parent and citizen of the U.S.

9. Plaintiff is requesting any and all applicable relief for the independent violations of the Defendant organization in the instant matter.

10. Plaintiff reserves the right to amend the complaint as more information becomes available with regards to the various entities and individuals involved in the decision making associated with the instant matter which is to be made available throughout the process of discovery.

COUNT ONE

42 U.S. CODE § 1983 - CIVIL ACTION FOR DEPRIVATION OF RIGHTS

11. Paragraphs 1-10 are hereby referenced and incorporated herein as if though full stated herein at full length.

12. Plaintiff has a clearly established right under the Fouth and Fourteenth Amendment of the U.S. Constitution to be free from unreasonable seizure of his person, a right that Defendant infringed upon through their actions taken against the Plaintiff effectively depriving them of custody of their children without undue evidence, erroneous findings, unfounded speculation, and a lack of proper grounded procedure and standards for evaluation, all of which have

constituted numerous individual violations of the Petitioner's constitutional rights as a parent and citizen of the U.S.

13. Defendant organization is directly responsible for the infringement on the Plaintiff's rights as a parent and citizen of the U.S. as they are the lead organization responsible for the continued deprivation of the Plaintiff from custody of their children for the previous years as well as currently as well.

14. Plaintiff is in no way responsible for any of the misactions and misconduct taken by the Defendant organization - who is presumed to be bound by any and all applicable standards in the field and Plaintiff strictly contests the sufficiency of the evidence in the instant matter to support the actions taken by the Defendant organization in the instant matter.

15. Plaintiff is seeking any and all necessary and applicable relief including compensatory damages as may commonly be awarded in this category of matters, including damages for the undue hardship and suffering of the Plaintiff in this matter as well as injunctive relief restoring their custody of their children as their rightful parent.

PRAYER FOR RELIEF

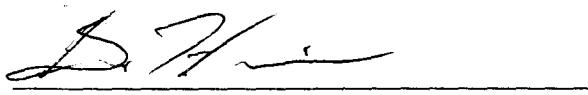
WHEREFORE, in light of the foregoing, Plaintiff respectfully requests the following:

- a. Enter a declaratory judgment that the Defendant violated Plaintiff's Constitutional rights with regards to this matter.,
- b. Award compensatory and / or damages against Defendant in an amount to be determined at trial;
- c. Enter an award for costs, expenses, and fees pursuant to 42 U.S.C. § 1988 and
- d. Enter such other relief as this honorable Court may deem just and deserving

Plaintiff hereby demands a jury trial.

May 16, 2020

Respectfully Submitted,



Sean Hicks
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